

Applicant : Alexander Vainstein et al.
Serial No. : 09/914,146
Filed : August 22, 2001
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Attorney's Docket No.: 13687-002001 / 135107.1

Amendments to the Drawings:

The attached replacement sheets of drawings replace the original sheets for Figs 3A-G, 11A-D, and 14A-E. The replacement drawings show the figures in color. No new matter has been added.

Attachments following the last page of this Amendment:

Replacement Sheet (3 pages)

REMARKS

This document is filed in reply to the office action dated June 7, 2005 ("Office Action").

At the Examiner's request, Applicants have (1) amended the Specification to delete language objected to by the Examiner, and (2) replaced Figs 3A-G, 11A-D, and 14A-E shown in black-and-white with versions in color. A petition to accept color photographs is filed herewith.

Applicants have narrowed claim 21, drawn to changing plant fragrance via modulating gene expression in a pathway, by specifying (i) an approach to perform the gene-modulating step, and (ii) a specific gene in the pathway. Applicants have also narrowed claim 26, drawn to a transgenic plant, in the same manner. Support for the amendments appears at, e.g., page 8, lines 12-25; and page 29, line 25 to page 34, line 11. Further, Applicants have amended claims 24, 25, 29, 31, 32, and 40 to promote clarity. Finally, Applicants have cancelled claims 23 and 30, necessitating dependency changes to claims 24 and 31. No new matter has been added.

Claims 1-22, 24-29, and 31-40 are pending. Among them, claims 1-20, 27, and 28 have been withdrawn from further consideration for covering a non-elected invention. Upon entry of the proposed amendments, claims 21, 22, 24-26, 29, and 31-40 will be under examination.

Reconsideration of this application is requested in view of the following remarks:

Objections to the Specification

The Examiner objected to the Specification on two grounds. See the Office Action, sections 5 and 6. In view of the above amendments, Applicants submit that both objections have been overcome.

Rejection under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 21, 22-25, and 29-40 for indefiniteness on various grounds. See the Office Action, page 3, lines 14-16. Applicants have amended independent claim 21 in the manner suggested by the Examiner and canceled claims 23 and 30. In view of these amendments, Applicants submit that the rejections have been overcome or rendered moot.

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 21-26 and 29-40 for lack of enablement. The rejected claims are drawn to (i) a method for changing the fragrance of a plant by modulating the expression of genes in the anthocyanin-biosynthetic pathway, or (ii) a transgenic plant prepared by the method. According to the Examiner, the Specification, "while being enabling for a method of increasing fragrance of a plant comprising expression an *fh*t cDNA in antisense orientation in transgenic plants, it does not reasonably provide enablement for controlling fragrance in any other manner." See page 4, lines 4-7 of the Office Action.


Applicants have (i) amended independent claim 21 to narrow the claimed method to that of increasing or enhancing fragrance of a plant by expressing an antisense oligonucleotide targeting the *fh*t gene; and (ii) amended independent claim 26, drawn to a transgenic plant, in the same manner. Applicants have also cancelled claims 23 and 30. In view of these amendments, Applicants request that this rejection be withdrawn.

CONCLUSION

Applicants submit that the grounds for the rejection asserted by the Examiner have been overcome, and that all pending claims define subject matter that is definite and enabled. Thus, it is submitted that allowance of this application is proper, and early favorable action is solicited. Please apply any other charges to deposit account 06-1050, referencing attorney docket 13687-002001.

Respectfully submitted,

Date: 9-7-2005



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